

1 BENJAMIN P. CLOWARD, ESQ.

2 Nevada Bar No. 11087

3 RILEY A. CLAYTON, ESQ.

4 Nevada Bar No. 5260

5 **CLOWARD TRIAL LAWYERS**

6 9950 W. Cheyenne Ave.

7 Las Vegas, Nevada 89129

8 Phone: (702) 605-5000

9 Fax: (702) 997-5000

10 E-Mail: ben@thefiercefirm.com

11 E-Mail: riley@thefiercefirm.com

12 *Attorneys for Defendants LeCresha Smith, as Special
Administrator of the Estate of Michael Mosley, Lecresha Smith,
Individually, LeCresha Smith as parent and guardian of M.M.*

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 Case No.: 2:23-CV-01058-CDS-VCF

16 MESA UNDERWRITERS SPECIALTY
17 INSURANCE COMPANY,

18 Plaintiff

19 vs.

20 LeCRESHA SMITH as Special Administrator of
21 the Estate of MICHAEL MOSLEY, Deceased; and
LeCRESHA SMITH, Individually and as heir to the
Estate of MICHAEL MOSLEY; LeCRESHA
SMITH as parent and guardian of M.M.;
HAMPTON APTS., INC. d/b/a THE HAMPTON
APTS.; 1st SECURITY SERVICES OF NEVADA
CORP; ANZA MANAGEMENT COMPANY,

22 Defendants

23 **STIPULATION AND ORDER TO
EXTEND TIME TO FILE REPLY
BRIEFS REGARDING THE
MOTIONS TO DISMISS, OR IN
THE ALTERNATIVE, MOTIONS
TO STAY THE DECLARATORY
RELIEF ACTION**

24 **(First Request)**

25 Pursuant to LR 7-1, LR 1A 6-1, and LR IA 6-2, Plaintiff, Mesa Underwriters Specialty
26 Insurance Company, and the moving parties, Defendants, LeCresha Smith (“Defendant Smith”)
27 and Defendants, 1st Security Services of Nevada (Defendants 1st Security), by and through their
counsel of record, hereby submit this Stipulation and Order to Extend Time To File Reply Briefs
28 Regarding The Motions to Dismiss or Alternative Motions to Stay the Declaratory Relief Action.

1 This is the parties' first request and is not made for purposes of delay or otherwise unnecessarily
2 delaying these proceedings. The filing date of the subject motions is September 18, 2023, and
3 September 19, 2023, respectively.

4 The basis for this extension stems from the fact that the Nevada Justice Association
5 convention is being held on October 3 – 5, 2023, in San Diego, California, which counsel for
6 Defendant Smith will be attending and participating in as a “guest panelist” for one of the sessions
7 involving Discovery in Nevada state courts. Thus, given this out-of-office engagement, there will
8 be limited time in which to timely prepare and serve her reply brief to Plaintiff's recent
9 Response/Opposition to the Motion to Dismiss/Stay. Based upon this scheduling conflict, the
10 parties have agreed to an additional 10 days for both Defendants to provide Reply briefs to
11 Plaintiffs' recent Responses/Oppositions to the Motions to Dismiss/Stay as follows:

12 1. Defendant Smith filed her Motion to Dismiss/Stay on September 18, 2023 (ECF
13 13).

14 2. Defendant 1st Security filed its Motion to Dismiss/Stay on December 19, 2023
(ECF 15).

15 3. Plaintiff filed its Response/Opposition to Defendant Smith's Motion to
16 Dismiss/Stay on October 2, 2023. (ECF 17).

17 4. Plaintiff filed its Response/Opposition to Defendant 1st Security's Motion to
18 Dismiss/Stay on October 2, 2023. (ECF 18).

19 5. The computer-generated date identified accompanied with the filing of Plaintiffs'
20 Responses/Oppositions to the Motions to Dismiss indicated that the due date for filing a Reply to
each of these Oppositions is October 9, 2023.

21 6. The parties agree that given the scheduling conflict identified above, an additional
22 10 days for Defendant Smith and Defendant 1st Security to prepare and file their Reply briefs is
23 appropriate.

24 7. The new date for Defendant Smith and Defendant 1st Security to prepare and file
25 ²⁰²³
26 their Reply briefs is now October 19, 2023.

27 8. This is the parties' first request to extend briefing for the subject Motions to
28 Dismiss/Stay.



1 This Stipulation and Order is not made for purposes of undue delay or for some improper
2 purpose but is necessary due to the legitimate scheduling conflict identified above.

3 Dated this 3rd day of October, 2023.

4 CLOWARD TRIAL LAWYERS

5 Dated this 3rd day of October, 2023.

6 WHITMIRE LAW, PLLC

7 /s/ Riley A. Clayton
8 RILEY A. CLAYTON, ESQ. (5260)
9 9950 W. Cheyenne Ave.
10 Las Vegas, Nevada 89139
11 Attorney for Defendant Smith

12 /s/ James E. Whitmire
13 JAMES E. WHITMIRE, ESQ. (6533)
14 10160 Park Run Dr.
15 Las Vegas, Nevada 89145
16 Attorney for Defendant 1st Security

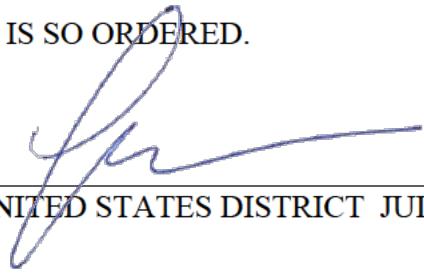
17 Dated this 3rd day of October, 2023.

18 CLYDE & CO US LLP

19 /s/ Casey G. Perkins
20 CASEY G. PERKINS, ESQ. (12063)
21 7251 W. Lake Mead Blvd., Suite 430
22 Las Vegas, Nevada 89128
23 Attorney for Plaintiff

24 **ORDER**

25 IT IS SO ORDERED.

26 
27 UNITED STATES DISTRICT JUDGE

28 DATED: October 3, 2023

